

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN FLYNN III,

Plaintiff,

v.

DR. KHURSHID *et al.*,

Defendants.

Case No. C05-5489RBL

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed Plaintiff's motion to dismiss, the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The court considers plaintiff's motion pursuant to Fed. R. Civ. P. 41 (a)(2) and not 41 (a)(1). Dr. Khurshid is **DISMISSED WITHOUT PREJUDICE**. The action will continue against John Does Denison and Gordon. Plaintiff must still pay the filing fee in this case.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendant, and to the Hon. Karen L. Strombom.

DATED this 14th day of November, 2005.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE